

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

CRAIG CUNNINGHAM,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 4:23-CV-00216-
	§	SDJ-AGD
TELEMARKETERS FROM 401-252-	§	
5229 AND OTHER NUMBERS,	§	
et al.,	§	
	§	
Defendants.	§	

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge (“Report”), this matter having been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On March 14, 2025, the Report of the Magistrate Judge, (Dkt. #24), was entered containing proposed findings of fact and recommendation that Defendants’ Motion to Dismiss (Dkt. #20) be granted on Federal Rule of Civil Procedure 12(b)(2) grounds, and Plaintiff’s claims against Defendants Leon and Commio be dismissed without prejudice. The Report further recommended that Plaintiff’s Motion for Sanctions, Contempt, Request for a Protective Order and Request for an In-Person Hearing (Dkt. #23) be denied subject to refile in the proper court. The Report finally recommended that any request for relief not addressed by the Report be denied as moot.

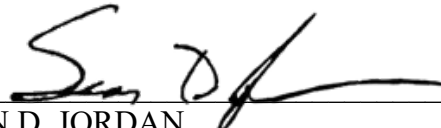
Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and

conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's Report as the findings and conclusions of the Court.

It is therefore **ORDERED** that Defendants' Motion to Dismiss (Dkt. #20) is **GRANTED** on Federal Rule of Civil Procedure 12(b)(2) grounds, and Plaintiff's claims against Defendants Leon and Commio are **DISMISSED WITHOUT PREJUDICE**. It is further **ORDERED** that Plaintiff's Motion for Sanctions, Contempt, Request for a Protective Order and Request for an In-Person Hearing (Dkt. #23) is **DENIED** subject to refiling in the proper court.

It is finally **ORDERED** that any request for relief not addressed by the Report (Dkt. #24) is **DENIED as moot**.

**So ORDERED and SIGNED this 31st day of March, 2025.**

  
SEAN D. JORDAN  
UNITED STATES DISTRICT JUDGE